

# **Land Development Regulations**

## **City of Aiken**

Adopted By City Council

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Effective

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LAND DEVELOPMENT REGULATIONS  
CITY OF AIKEN

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## ARTICLE I

### GENERAL PROVISIONS

#### 1.1 Short Title

These Regulations shall be known and cited as the Land Development Regulations of the City of Aiken, South Carolina.

#### 1.2 Repealer

These Regulations replace the current Subdivision Regulations adopted September 2, 1957, including all amendments, which are hereby repealed. Except as provided in Sections 1.7 and 1.8 below, all regulations or ordinances or parts thereof in conflict with these Regulations are hereby repealed to the extent necessary to give these Regulations full force and effect.

#### 1.3 Authority

Pursuant to the authority granted under Title 6, Chapter 7, Article 11 of the Code of Laws of South Carolina, as amended, the Aiken City Council hereby adopts these regulations.

#### 1.4 Purpose

These Regulations are adopted for the following reasons:

- a) To promote the health, safety and general welfare of the public.
- b) To promote sound and timely development consistent with the comprehensive plan.
- c) To encourage the development of an economically sound and stable city.
- d) To promote orderly and beneficial development through appropriate design and layout.
- e) To protect the values of land and buildings.
- f) To minimize conflicts among land uses.
- g) To promote adequate streets and roads, water and sewerage systems, parks, schools, and other public facilities.
- h) To promote efficient vehicular and pedestrian traffic circulation.
- i) To establish reasonable standards of design.
- j) To promote reasonable procedures for the subdivision and resubdivision of land.
- k) To insure proper legal descriptions and monumenting of subdivided land.

- l) To preserve the natural beauty of the land and promote the wise management of its natural resources.
- m) To secure safety from fire, flood, and other hazards.

1.5 Jurisdiction

These Regulations shall apply to any subdivision of land as defined herein located within the corporate limits. Although considered subdivisions, the following are exempt from City approval:

- a) the combination of existing lots where the total number of lots is not increased and the resultant lots conform to all applicable regulations;
- b) the division of land into parcels of five acres or more where no new street is created.

1.6 Interpretation

These Regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

1.7 Compliance with Other Laws, Ordinances and Regulations

These Regulations shall supplement and facilitate the enforcement of the provisions of the Zoning Ordinance, and any other laws, ordinances, regulations or standards adopted by Council or the State.

1.8 Conflict with Other Laws, Ordinances, Regulations or Private Provisions

Where these Regulations impose a restriction different from those imposed by any other law, ordinance or regulation or private easement, covenant or restriction, the more restrictive or higher standard shall control.

1.9 Effect on Existing or Pending Subdivisions

These Regulations shall not affect any existing or pending subdivision which has been formally submitted to the Planning Commission for approval as of the effective date of these Regulations except as follows:

- a) A subdivision recorded with the Aiken County Registrar of Mesne Conveyance five years or more prior to the effective date of these Regulations may be voided by the Planning Commission if none of the lots have been sold and no building permit has been issued.
- b) A subdivision approved by the City prior to December 31, 1985 which has not been recorded shall be void. Any subdivision approved since that date but prior to the effective date of these Regulations must be recorded no later than December 31, 1989 or it shall be void.
- c) These Regulations shall not abate or restrict any action pending under or penalty imposed by the Regulations which they replace.



1.10 Building Permits

No building permit shall be issued for a structure on a lot created under these Regulations unless the subdivision has been approved by the City pursuant hereto and recorded with the Registrar of Mesne Conveyance and until the Department of Health and Environmental Control has approved all water and sewer lines serving the affected lot. No building permit shall be issued if the applicant or his agent has violated any Federal, State or local law pertaining to consumer protection in real estate transactions or promotions or to fair housing practices with respect to such lots, property or structure; a permit issued prior to discovery of such violation may be revoked.

1.11 Certificates of Occupancy

No certificate of occupancy shall be issued until the City Engineer and the Department of Health and Environmental Control deem the required improvements sufficiently complete to permit such issuance.

1.12 Vested Rights

a) General

Pursuant to South Carolina Code Section 6-29-1510, *et. seq.*, a vested right is hereby established for two years upon the approval of a site specific development plan as evidenced by the issuance of an approved site plan by the Planning Department.

At least sixty (60) days prior to the end of the vesting period, the landowner of real property with a vested right may apply to the Planning Director for an annual extension of the vested right. The Planning Director must approve applications for at least five annual extensions of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval.

b) Conditions and Limitations on Vested Rights

A vested right established by this article and in accordance with the standards and procedures in the land development ordinances or regulations is subject to the following conditions and limitations:

- i. if City Council establishes a vested right for a phased development plan, a site specific development plan may be required for approval with respect to each phase in accordance with regulations in effect at the time of vesting;
- ii. a vested right established under a conditionally approved site specific development plan or conditionally approved phased development plan may be terminated by the City Council upon its determination, following notice and public hearing, that the landowner has failed to meet the terms of the conditional approval;

- iii. a site specific development plan or phased development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation, or special exception is obtained;
- iv. a vested right for a site specific development plan expires two years after vesting;
- v. a vested site specific development plan or vested phased development plan may be amended if approved by the City Council pursuant to the provisions of the land development ordinances or regulations;
- vi. a validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code;
- vii. a vested right to a site specific development plan or phased development plan is subject to revocation by the City Council upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval;
- viii. a vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;
- ix. a vested site specific development plan or vested phased development plan is subject to later local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;
- x. a change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;
- xi. if real property having a vested site specific development plan or vested phased development plan is annexed, the governing body of the municipality to which the real property has been annexed must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation; and

- xii. a City Council must not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

c) Vested Right Attaches to Real Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this article may rely upon and exercise the vested right for its duration subject to applicable federal, state, and City laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This article does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act.

1.13 Severability

If any portion of these Regulations is judged to be invalid by any court of competent jurisdiction, such judgement shall apply only to that particular portion and not affect the remainder which shall be severed therefrom and continue in full force and effect.

1.14 Civil Liability of City

Nothing contained in or omitted from these Regulations shall be construed as a basis for imposing civil liability upon the City, its officers or employees. In addition, the City, its officers and employees shall not be liable for any injury, damage, loss or death arising from or related to any act performed pursuant to these Regulations, including but not limited to inspections, certifications, approvals and acceptances; the omission to perform any such act; or the adherence to or failure to adhere to any standard or requirement set forth in these Regulations.

1.15 Effective Date

These Regulations shall take effect on October 1, 1987.

## ARTICLE II

### ADMINISTRATION

#### 2.1 Approval

The Planning Commission must take final action on a plat within 60 days after submission of a complete application unless an extension is granted in writing by the applicant. No action shall be taken on a minor subdivision plat or a major preliminary plat by the Commission without a public hearing. The applicant must be notified of the time and place of the hearing by registered or certified mail sent no fewer than five days before the date of the hearing.

#### 2.2 Conditions

The Planning Commission may impose any reasonable conditions on approval of a subdivision that it deems necessary as long as such conditions are consistent with the purposes set forth in Section 1.4. All conditions must be listed on the final plat and met prior to the signing of the final plat by the Planning Director.

#### 2.3 Variances

##### 2.3.1 General

The Planning Commission may grant a variance from these Regulations when it finds that strict compliance would impose excessive hardship and practical difficulty. Such a variance shall not have the effect of nullifying the intent and purpose of these Regulations and shall be based upon evidence that:

- a) granting of the variance will not be detrimental to the public health, safety or welfare;
- b) the request for the variance is based on particular conditions of size, shape, or topography of the property which are not generally applicable to other property;
- c) strict compliance would impose a particular hardship and not a mere inconvenience;
- d) the variance will not violate the provisions of any other ordinance; and
- e) the request is not solely to alleviate a financial hardship.

##### 2.3.2 Conditions

In granting a variance, the Commission may impose any conditions it deems appropriate.

2.3.3 Procedures

A variance may be requested by submitting a completed application including a full explanation of the grounds for the request. A public hearing on the request must be held, notice of which must be made in accordance with 3.1.3 or 3.2.1(c).

2.4 Amendments

City Council may amend these Regulations after first submitting the proposed amendment to the Commission for a recommendation. If such recommendation is not received within 30 days, Council may take final action without it after a public hearing is held notice of which is published in a local daily newspaper of general circulation at least fifteen days prior to the scheduled date.

2.5 Appeals

Any party who is adversely affected by a decision of the Planning Director may appeal to the Planning Commission by submitting a letter to the Planning Director within ten (10) days of the date of the decision. The letter must clearly request the appeal, state the relief sought by the appeal, and list the grounds on which the appeal is based. The appeal to the Commission shall consist of a review of the record. The Commission shall take final action on the appeal within sixty (60) days of the receipt of the letter of appeal by affirming, modifying, or reversing the decision of the Planning Director. An appeal of the Commission's decision may be made to the Aiken County Court of Common Pleas within 30 days of the notice of decision from the Planning Commission.

2.6 Enforcement

2.6.1 General

No lot which is to be created by a proposed subdivision may be conveyed until such subdivision plat has been approved in accordance with these Regulations, signed by appropriate City officials and recorded with the Registrar of Mesne Conveyance.

2.6.2 Subdivision by Deed

The subdivision of land by deed shall not be permitted; such proposed subdivision must conform to the provisions of these Regulations.

2.6.3 Building Permits

No building permit shall be issued for a building to be built on a lot subdivided or sold in violation of these Regulations.

2.6.4 Enforcement Officer

The City Manager or his designee shall be responsible for the enforcement of these Regulations.

2.7 Violations and Penalties

The owner or agent of the owner of any land to be subdivided who transfers, sells or conveys such land by reference to, exhibition of or other use of a plat of such proposed subdivision before such plat has been approved in accordance with these Regulations and recorded with the Registrar of Mesne Conveyance, or who otherwise violates the provisions of these Regulations shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$500.00 per day or imprisonment for a term not exceeding 30 days, or both. Each day that any violation or any provision of these Regulations continues shall constitute a separate offense. The inclusion of a metes and bounds description in the instrument of transfer or sale shall not exempt the transaction from these penalties. The City may enjoin or invalidate any transaction or agreement involving the conveyance of any lot not approved in conformance with these Regulations.

## ARTICLE III

### APPROVAL PROCEDURE

#### 3.1 Minor Subdivision

A subdivision is classified as minor if it meets the requirements set forth in 7.2.22.

##### 3.1.1 Application Procedures

- a) An application must be submitted on the forms provided by the Planning Department to the deadline established by the Planning Commission for the hearing date sought. The application must name an Engineer of Record for the project who will utilize control and quality assurance measures as outlined in the City engineering specifications. The Engineer of Record shall also certify that the project construction meets city specifications. The design Engineer of Record shall certify the project design meets City specifications. (Ord. 11262007A)
- b) Any fee established by City Council must be paid.
- c) Copies of the proposed plat in the quantities required by the Commission must be submitted including the details and supporting information listed in 4.2.
- d) Any revisions or additional information requested must be provided by the deadline established by the Commission for the hearing date sought.

##### 3.1.2 Staff Approval

A minor subdivision may be approved by the Planning Director, or his designee, without a public hearing unless Commission review is required because:

- a) the Planning Director refers the request;
- b) the request involves property for which another minor subdivision has been approved within the previous three (3) years as set forth at 3.1.5; or
- c) a variance from the Subdivision Regulations is required. (3.1.2 was added by Ord. 121195, Dec. 11, 1995)

##### 3.1.3 Public Hearing

- a) If Planning Commission review is required, the Commission shall hold a public hearing on the plat. The City shall notify the public no later than 10 days prior to the hearing by posting one sign on each street frontage clearly visible from the street announcing the time, date, and location of the hearing. The applicant shall be notified of the time and place of the hearing by registered or certified mail sent no fewer than five (5) days before the scheduled

date of the hearing. Final action shall be taken within sixty (60) days of the submission of a complete application; if not, the plat shall be deemed approved, and the Commission shall issue a certificate to that effect unless the applicant agrees in writing to an extension of time.

- b) The Commission shall adopt a resolution incorporating its decision including any conditions of approval or reasons for denial and shall send the applicant a copy of such resolution within ten days of the hearing. The applicant shall provide copies of the approved plat as requested by the Department incorporating any required changes so that they may be signed by the Chairman and the Secretary; two copies shall be returned. The Department shall include the expiration date on the plat.

3.1.4 Recording of Plat

The approved plat signed by the Planning Director must be recorded with the Registrar of Mesne Conveyance within 180 days after the signing of the plat or the approval will expire.

3.1.5 Effect of Approval

For two years from the date of approval, the plat shall not be affected by any changes in these Regulations or the Zoning Ordinance. Minor subdivision approval involving the same property shall not be granted within three years of the date of approval unless deemed to be in the best interests of the City.

3.2 Major Subdivision

A subdivision is classified as major if it meets the requirements set forth in 7.2.21.

3.2.1 Preliminary Plat

a) Application Procedures

- i) An application shall be submitted on the forms provided by the Department by the deadline established by the Commission. The application must name an Engineer of Record for the project who will utilize control and quality assurance measures as outlined in the City engineering specifications. The Engineer of Record shall certify that the project design meets City specifications. (Ord. 11262007A)
- ii) Any fee established by Council must be paid.
- iii) Copies of the proposed plat in the quantities required shall be submitted including the details and supporting information listed in 4.2.



- iv) Revised plats shall be submitted by the deadline established by the Commission.
- b) Staff Approval

A preliminary plat may be approved by the Planning Director, or his designee, without a public hearing unless Commission review is required because:

  - i) the Planning Director refers the request; or
  - ii) a variance from the Subdivision Regulations is required.
- c) Public Hearing
  - i) If the Commission considers a subdivision request, it shall hold a public hearing thereon. The applicant shall be notified of the time and place of the hearing by registered or certified mail sent no fewer than ten days before the scheduled date. Action shall be taken by the Commission on the plat within 60 days of the submission of a complete application. If action is not taken, the plat shall be deemed approved and the Commission shall issue a certificate to that effect unless the applicant agrees in writing to an extension of time.
  - ii) The City shall notify the public no later than 10 days prior to the hearing by posting of one sign on each street frontage clearly visible from the street announcing the time, date, and location of the hearing.
  - iii) The Commission shall adopt a resolution incorporating its decision including any conditions of approval or reasons for denial. The Commission shall send the applicant a copy of such resolution within ten days of its adoption. The applicant shall provide copies of approved plats as requested by the Department incorporating any required changes so that they may be signed by the Secretary; two copies shall be returned. Such plats shall state that the approval is not final and that the plat is not to be recorded. The Secretary shall include the expiration date on the plat.
- d) Effect of Approval
  - i) Preliminary approval shall be effective for two years during which time the plat shall not be affected by any changes in these Regulations or the Zoning Ordinance. If final approval has not been obtained during this period, preliminary approval shall again be required subject to any new ordinances.

- ii) Preliminary approval does not constitute acceptance of roads or other land or facilities to be dedicated.
- iii) Construction of improvements may begin in accordance with the preliminary plat with the following conditions:
  - A grading permit shall not be issued until preliminary approval has been granted, and all requirements of the Sediment Control Ordinance have been satisfied;
  - Any changes required during the course of construction may only be installed after the written approval of revised plans by the City Engineer; if the City Engineer deems a change substantial, he shall submit it for Commission approval;
  - All improvements shall be subject to the inspection and approval of the City Engineer. No underground improvements shall be covered until inspected by the City Engineer; and
  - The City Engineer shall be notified in writing five days before any construction begins.
- d) Revocation of Approval

The approval of a preliminary plat or extension thereof may be revoked after a public hearing by the Commission if there has been a major change in conditions involving the subdivision which would adversely affect the public, health, safety or welfare. The applicant shall be notified of the time and place of the hearing by registered or certified mail sent not fewer than five days before the scheduled date.

### 3.2.2 Final Plat

- a) Purpose

The final plat is to provide a final record of the subdivision and related improvements consistent with the approved preliminary plat. Final plat approval may only be requested after 1) all improvements have been completed and a maintenance guarantee has been posted in conformance with the requirements set forth in Article VI; or 2) a performance/maintenance guarantee for any uncompleted improvements has been posted in conformance with the requirements set forth in Article VI; and an offer of dedication of the improvements has been submitted in a form acceptable to the City Engineer.

b) Application Procedures

- i) An application shall be submitted on the forms provided by the Department.
- ii) Any fee established by Council must be paid.
- iii) Copies of the final plat conforming to the requirements of the preliminary plat shall be submitted in the quantities required; minor changes may be included if approved by the Planning Director. If the Director determines that the changes are substantive, he may require that the plat be resubmitted for preliminary approval.
- iv) Final detailed plans and specifications shall be provided.
- v) The following certifications shall be required:
  - From the City Engineer stating that the Engineer of Record has certified all roads and drainage improvements have been properly installed and constructed; or that an adequate performance guarantee has been posted in conformance with Article VI to insure the completion of all uncompleted road and drainage improvements; or, if all improvements have been completed, that an adequate maintenance guarantee has been posted in conformance with Article VI.
  - From the Department of Health and Environmental Control, a permit to operate and from the City Engineer verification that an adequate performance guarantee has been posted in conformance with Article VI to insure the completion of all uncompleted water and sanitary sewer improvements; and from the City Engineer that an adequate maintenance guarantee has been posted in conformance with Article VI.
  - From the Planning Department confirmation that the required landscaping has been installed or a performance guarantee posted.

c) Approval

- i) The Director shall have approval authority over final plats. The Director shall have 30 days from the submission of a complete application to notify the applicant of his decision on the final plat. If approved, the Director or his designee will stamp the plat. A notification of denial shall include

an explanation of the reasons therefore or of additional information or changes required.

- ii) If no action is taken within 30 days, the final plat shall be deemed approved and the Director shall stamp the plat unless the applicant agrees in writing to an extension of time. The applicant shall submit a digitized file of the plat and improvements in a format as directed by the City Engineer in addition to any paper copies requested. The plats shall be signed by the Director or his designee. However, no plats shall be signed until all conditions of approval have been met. Two paper copies of the signed plat shall be returned to the applicant. The Planning Department shall maintain one paper copy and associated documents on file. The digitized version and one paper copy shall be filed in the Department of Public Works/Engineering. The Planning Director or his designee shall include the expiration date on the plat.

d) Recording of Final Plat

The applicant shall be responsible for recording the final plat in the office of the Registrar of Mesne Conveyance of Aiken County within two years after the signing of the plat or the approval will expire.

e) Effect of Recording

The recording of the final plat will permit only the conveyance of the approved lots. No building permit or certificate of occupancy shall be issued except in accordance with the provisions of 1.10 and 1.11.

## ARTICLE IV

### REQUIRED PLAT DETAILS

#### 4.1 General

Each plat must be prepared, signed and sealed by a registered professional engineer or registered land surveyor licensed in South Carolina whose name, address and telephone number shall appear on the plat. Sheets must not be larger than 24" x 36" and must be numbered sequentially.

#### 4.2 Minor Subdivision

The information listed in this paragraph must be provided with each plat submitted for minor subdivision approval unless waived by the Secretary of the Planning Commission.

##### 4.2.1 Description

- a) The tax parcel number, city limits, zoning, acreage, graphic scale (no less than 1"=100'), north arrow, location map (at not less than 1"=500') and date.
- b) The name of the subdivision if within an existing subdivision.
- c) The proposed name of the subdivision if not within a previously platted subdivision; the proposed name may not duplicate the name of any recorded subdivision.
- d) The tract name if no subdivision name has been chosen.
- e) A key map on the first sheet if the entire subdivision will not fit on one sheet and matchlines to facilitate the matching of separate sheets.
- f) Municipal and County boundaries within 200'.

##### 4.2.2 Ownership

- a) The name, address and telephone number of the owner of the property.
- b) The name, address and telephone number of the applicant if not the owner.
- c) If the applicant is not the owner, a statement consenting to the subdivision signed by the owner.
- d) The location, size and purpose of any existing or proposed easement, right-of-way, or land reserved or dedicated to public use.

- e) The names, locations and widths of all existing or platted streets or other public ways within and immediately adjacent to the tract.
- f) Existing covenants or restrictions.
- g) The names of owners of adjoining property.

#### 4.2.3 Features

- a) Tract boundary lines and lot lines with accurate dimensions, bearings or deflection angles, radii arcs and central angles of all curves.
- b) Contours at two-foot intervals.
- c) The number of proposed lots shown on each sheet and the dwelling unit density.
- d) The use of any lot to be used for other than residential purposes.
- e) Location and name of proposed streets.
- f) Location and description of all monuments.
- g) The location of all structures.
- h) The location of all watercourses including lakes and ponds within 200' including the 100-year flood line.

#### 4.2.4 Utilities

- a) Existing and proposed location, size, elevation and slope of all storm and sanitary sewers, water mains and other underground structures within and immediately adjacent to the site.
- b) Proposals for connection to the existing water supply and sanitary sewer systems or other means of providing water and sewage disposal.
- c) Proposals for collecting and discharging surface water drainage.

#### 4.2.5 Construction Plans

Construction plans at a scale of no more than 1"=50' on sheets the same size as the plat with the following information:

- a) Profiles of center line elevations of existing and proposed roads; approximate radii of all curves, lengths of tangents and central angles on all streets;

- b) Plans and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, fire hydrants, manholes and catch basins; the location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers including connections to existing or proposed systems; and the location and size of water lines, gas lines or other underground utilities; and
- c) a site grading and erosion control plan.

4.3 Major Subdivision

The information listed in this paragraph must be included on each plat submitted for major subdivision approval unless waived by the Secretary of the Planning Commission.

4.3.1 Preliminary Plat

A plat submitted for preliminary approval shall include the same details as required for a minor subdivision as listed in 4.2.

4.3.2 Final Plat

The final plat shall include all of the information on the approved preliminary plat and may incorporate any minor changes approved in writing by the City Engineer.

## ARTICLE V

### IMPROVEMENTS, RESERVATIONS AND DESIGN STANDARDS

#### 5.1 General

##### 5.1.1 Naming of Subdivision

The proposed name of any subdivision shall not duplicate or closely approximate phonetically the name of any other subdivision within Aiken County. The Planning Commission shall have final authority in approving all subdivision names.

##### 5.1.2 Plats Overlapping Municipal Boundaries

If a plat overlaps municipal boundaries, the Commission shall coordinate its review with that of the other jurisdiction. If access to the subdivision will be through another jurisdiction, the Commission must obtain confirmation from that jurisdiction's attorney that the access road to be used is public and is adequately improved or that a performance bond or other surety has been provided to assure the construction of the access road. Lot lines shall not overlap municipal boundaries.

##### 5.1.3 Land Unsuitable for Development

Land not suited for development due to topographic or geologic features which will pose a threat to the health, safety or welfare of present or future residents shall not be subdivided unless adequate methods approved by the City Engineer are found to eliminate the threat.

##### 5.1.4 Soil Protection

No certificate of occupancy shall be issued for an approved subdivision until all grading has been completed in conformance with the City's Sediment Control Ordinance. No topsoil shall be removed from the site or used as spoil. Topsoil removed during construction shall be redistributed to a depth of at least six inches and stabilized by seeding or planting.

##### 5.1.5 Debris and Waste

No timber, limbs, debris, rocks, stones, junk, rubbish or other waste materials of any kind shall be buried. Before a certificate of occupancy can be issued for a lot, all such materials must be removed from it and all adjacent lots. No such materials shall be left in any area of the subdivision at the time of expiration of the performance guarantee or dedication of the public improvements, whichever is sooner.

##### 5.1.6 Fencing

Where a hazardous condition may exist, the Commission may require the construction of fencing. Such fencing must be approved by the City Engineer, and no certificate of occupancy shall be issued until the fencing has been installed.



5.1.7 Waterbodies and Watercourses

- a) If a tract being subdivided contains a lake or portion thereof, an association of property owners with lake frontage must be created in conformance with State law to be responsible for maintenance of the lake.
- b) A drainage easement must be provided for any watercourse, stream channel or other drainageway; the easement must be wide enough to allow natural drainage, improvements to the channel or the installation of a storm sewer.
- c) Any change in an existing drainageway must be approved by the City Engineer.
- d) No more than 25% of the required minimum lot area may be satisfied by land which is under water.

5.1.8 Easements

- a) A written easement shall be provided for each utility line and natural drainageway which does not fall within a dedicated right-of-way. All existing and proposed easements shall be shown on all plats. A clause shall be included in the deed of each affected lot reserving the easement.
- b) The width of a utility easement shall be specified by the City Engineer but in no case less than ten feet.
- c) The width of an easement for a stream or drainageway shall be specified by the City Engineer but in no case less than that sufficient for maintenance. Additional width shall be provided where trees exist along the stream or drainageway; such trees shall not be removed and no grade changes permitted which would damage the trees.
- d) Where possible, easements shall be centered on or adjacent to rear or side lot lines.
- e) Where an easement is located on the side, front or interior of a lot, the City Engineer may require an increase in the depth or width of such lot to allow for the easement.
- f) All easements must have satisfactory access to an approved street.

5.1.9 Monuments

Concrete monuments four inches in diameter or square, three feet long and with a flat top shall be set at all street corners. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade. All other corners and points of lots shall be marked with iron pipe or solid steel rod not less than one-half inch in diameter and twenty-four inches long and driven so as to be flush with the finished grade.

5.1.10 Non-residential Subdivisions

In addition to conforming with the other applicable provisions of these Regulations, a non-residential subdivision must be adapted to the specific use anticipated and other uses in the vicinity. Street layout and construction as well as utilities must be adequate. Special attention must be given to protecting adjacent residential uses from proposed commercial or industrial development through appropriate design.

5.1.11 Performance Guarantees

Performance bonds, letters of credit or other surety shall include an amount sufficient to guarantee completion of all improvements required in Article V. At the expiration of the guarantee, if all required improvements have not been made, the City may enforce the provisions of the guarantee in accordance with 6.2.3.

5.1.12 Reimbursement for Concrete Curb, Gutter, and Sidewalks

(a) The City will reimburse the developer for expenses incurred in the installation of water mains and sanitary sewer lines in new subdivisions, after the water mains and sanitary sewer lines have been dedicated to and accepted by the City, and after the approved concrete curbs and gutters, streets, and all other required infrastructure improvements have been installed in conformance with the approved plat and accepted by the City. In cases where the roads will not be dedicated to the City, the dedication of said streets shall not be a condition of reimbursement. Such reimbursement shall be made in installments after twenty-five (25%) percent, fifty (50%) percent, seventy-five (75%) percent, ninety (90%) percent and one hundred (100%) percent of the lots shown on the approved subdivision plat contain occupied structures. A reimbursement formula shall be established by City Council through adoption of an ordinance and shall be based upon a certain amount per linear foot of frontage with a maximum amount per lot. Nothing contained herein shall require the City to reimburse a developer for an amount in excess of that to which he is entitled through the formula established by the ordinance to be adopted by City Council or to reimburse a developer when the current budget ordinance of the City does not contain a line item appropriation for such

reimbursement or if the funds appropriated in a fiscal year for such purpose have been expended. Reimbursement for installation of water mains and sanitary sewer lines will be at a rate of \$8.00 per linear foot with a limit of 100 feet for a residential lot and 300 feet for a commercial lot. (Ord. 041188D, Ord. 021296A, Ord. 04092001A)

5.1.13 Access to New Lots

An application for approval of a subdivision plat which would create a lot unable to meet the requirements of the Access Management provisions of the Zoning Ordinance shall be denied. Approval of a subdivision plat for a shopping center or similar planned development which would create out-parcels fronting on a road shall be conditioned on access to such out-parcels being only from within the shopping center.

5.1.14 Restoration of Roads Disturbed by Utility Installation

When a roadway is disturbed by the installation of water or sewer lines or other utilities, the subdivider must restore the roadway to City standards.

5.2 Lot Improvements

5.2.1 Arrangement

- a) Lots must be arranged so that they will be buildable, satisfy all requirements of the Zoning Ordinance and meet all health regulations.
- b) Side lot lines shall be approximately at right angles to straight street lines or radial to curved lines unless a variation would result in a more appropriate street layout or lot arrangement.
- c) Double-frontage and reverse-frontage lots shall be avoided except where required to separate residential development from major highways or railroads or to overcome problems with topography or orientation. Where permitted, such lots shall have an extra 30 feet of lot depth including a buffer at least ten feet wide heavily landscaped with evergreen plant material at least six feet high.
- d) Blocks shall be deep enough to allow two tiers of lots except where major streets, railroads or topography prevent such an arrangement.
- e) Blocks shall not exceed 2000 feet in length or be less than 600 feet in length in residential areas. Blocks along major arterials shall not be less than 1000 feet in length.
- f) Where a block is longer than 600 feet, one or more easements through the block may be required to accommodate utilities or

pedestrian walkways. Such easements shall not be less than ten feet wide. Such walkways shall not be less than four feet wide.

5.2.2 Dimensions

- a) The lot size and shape shall be appropriate for the type of use anticipated.
- b) Lot dimensions shall comply with the minimum standards of the Zoning Ordinance.
- c) Where lots are large enough for possible resubdivision, or where a portion of a tract is not subdivided, the layout must allow such resubdivision and permit the opening of streets where they would be required.

5.2.3 Access to a Public Road

Private roads shall not be permitted except as set forth in Section 5.6.8 or in a Planned Unit Development as set forth in the Zoning Ordinance. Otherwise, each lot shall front on an approved public road. However, wherever possible, no residential lot shall have its primary frontage on or direct access to an arterial or collector road. Where such frontage is unavoidable, the lots shall have access to a service road separated from the street by a landscaped median at least ten feet wide.

5.3 Water

5.3.1 General Requirements

- a) Where a public water main is no more than 1000 feet from the boundary of the subdivision, the subdivider shall connect with such main and provide water for domestic use and fire protection.
- b) A letter must be submitted with the preliminary plat outlining the proposed water supply system. Any comments from County Health Officials or the State Department of Health and Environmental Control must be submitted with the letter.
- c) The location of all water supply improvements and fire hydrants shall be shown on the preliminary plat.
- d) The City shall not be required to furnish water service outside of the City Limits.

5.3.2 Design Standards

- a) The water distribution system shall be designed and constructed in conformance with the standards and specifications of the City.
- b) Water lines should be looped wherever possible.

- c) The system shall provide an adequate supply of water for domestic use and fire protection with sufficient pressure at all times to meet minimum standards for fire protection.
- d) All water mains shall be at least six inches in diameter.
- e) A water connection shall be provided for each lot.
- f) Fire hydrants shall be required for all subdivisions. Hydrants shall be located no more than 1000 feet apart and within 500 feet of any structure. Locations of hydrants shall be approved by the Department of Public Safety. Hydrants and related underground utilities shall be installed, pressure-tested and chlorinated before final paving.

#### 5.4 Sanitary Sewer

##### 5.4.1 General Requirements

- a) All sanitary sewer facilities discussed in this section shall be approved by and installed in accordance with the rules, regulations and standards of the City Engineer, County Health Officials and the State Department of Health and Environmental Control.
- b) Where a public sanitary sewer is within 1000 feet of the boundary of a subdivision, the subdivider shall be responsible for connecting to the sewer and providing a connection for each lot.
- c) Where public sanitary sewer is more than 1000 feet from the subdivision, but plans for such a sewer within 1000 feet have been prepared, one of the following must be done:
  - i) A central sewerage system may be installed with the maintenance thereof the responsibility of the applicant or a homeowners association as determined by the Commission. Lines, laterals and mains shall be installed in conformance with the proposed public system to the subdivision boundary where the connection to such system will be made.
  - ii) Individual disposal systems may be installed provided that lines, laterals and mains shall be installed in conformance with the proposed public system to the subdivision boundary where the connection to such system will be made. In addition, lines shall be installed for each lot and connected to the system. All such systems shall be capped.
- d) Where no plans have been prepared for public sanitary sewer within 1000 feet, an individual disposal system may be used as

long as it is approved in accordance with paragraph a) of this section but in no case on a lot of less than one-half acre.

- e) The City shall not be required to furnish sewer service outside of the City limits.

#### 5.4.2 Design Standards

##### a) General

- i) Sanitary sewer systems shall be designed and constructed in conformance with the standards and specifications of the City.
- ii) Sanitary sewers shall be located within street or alley rights-of-way except where permitted by the City Engineer because of topography.
- iii) Sanitary sewer systems shall be designed to handle the maximum potential population of the service area based on densities permitted by the Zoning Ordinance allowing for infiltration and inflow.
- iv) No public sewer shall be less than eight inches in diameter.
- v) All sewers shall be laid with straight alignment between manholes except as permitted by the City Engineer.
- vi) Manholes shall be installed as required by the City Engineer.
- vii) Manholes and related underground utilities shall be installed, air-tested and mandrel-pulled (if using PVC pipe) before final paving.

##### b) Relationship to Water Supply

- i) There shall be no connection between a sewer system and a public water supply.
- ii) No system shall be permitted which allows the passage of sewage or polluted water into a potable water supply. Sewers shall be separated from water supply wells or other water supply sources and structures. There shall be a minimum distance between sewer and water lines as established by the City Engineer.

#### 5.4.3 Reimbursement for Off-Site Improvements

- a) Where the increased flow in the sanitary sewer system generated by the subdivision would exceed the capacity of the existing system, the developer shall post a cash escrow to cover the cost of

the improvements required to increase the capacity. Such escrow shall be determined by the City Engineer and posted prior to final plat approval. Building permits for the subdivision may be issued once the off-site improvements to the sanitary sewer system have been completed by the City or six months have elapsed since posting of the escrow, whichever occurs first.

- b) When improvements to the sanitary sewer system have been made by the City in anticipation of increased development, the developer of a subdivision served by such improvements shall reimburse the City for a portion of the cost of such improvements. The amount of the reimbursement shall be based on the proportion of the additional capacity of the sewer system that could be used by the subdivision. The amount shall be determined by the City Engineer and paid prior to final plat approval.

## 5.5 Drainage and Storm Sewers

### 5.5.1 General

- a) The rate of storm water runoff from a subdivision shall not be greater than that prior to development.
- b) Open drainage ditches shall not be permitted. Storm sewers shall be required unless a system of swales is approved by the City Engineer.
- c) Surface drainage patterns for the entire subdivision shall be shown on the plat.
- d) Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the drainage pattern for the area and designed so that runoff from one lot onto another is minimized.
- e) Provision shall be made to handle any spring or surface water that exists prior to or will result from the development of the subdivision.
- f) Except for a subdivision which is to have private roads, the City shall assume responsibility for a detention or retention pond after 75% of the lots which drain into the pond have been sold or one year after the pond has been constructed and approved by the City Engineer, whichever is later.
- g) Maintenance of storm sewers in subdivisions with private roads shall be the responsibility of the applicant or a homeowners association or other entity created under the laws of South Carolina as determined by the Commission. The deed for each parcel shall reference covenants explaining that the City could assess affected

property owners to finance maintenance work should the association fail to do the work itself.

#### 5.5.2 Design Standards

##### a) General

- i) All drainage and storm sewer systems shall be constructed in accordance with standards and specifications of the City.
- ii) Where possible, drainage facilities shall be located in dedicated rights-of-way; otherwise, such facilities shall be located in perpetual unobstructed easements of appropriate width.
- iii) Where a proposed drainage system will carry water across property outside of the subdivision, appropriate drainage rights must be obtained and indicated on the plat.
- iv) The storm sewer system shall be separate from any sanitary sewer system.
- v) Catch basins, headwalls and related underground piping shall be installed and approved by the City Engineer before final paving.

##### b) Accessibility to Public Storm Sewer System

- i) Where a public storm sewer system is within 500 feet of the subdivision, the storm sewer system for the subdivision shall tie on to such public system.
- ii) If plans have been prepared for a public storm sewer system to be constructed within 500 feet of the subdivision, the storm sewer system for the subdivision shall be installed to the subdivision boundary and include the improvements necessary to tie into the public system when it is available.

##### c) Detention Ponds

- i) Detention ponds shall be required for each subdivision unless deemed unnecessary by the City Engineer.
- ii) Detention ponds shall be designed to limit runoff to a controlled flow no greater than that prior to development.
- iii) The requirement for on-site detention ponds may be waived by the City Engineer where arrangements have been made for runoff from the subdivision to be handled by a regional



pond designed to serve a larger area which has been approved.

- iv) A detention pond shall be enclosed by a six-foot fence where the slope of the side of the pond exceeds 4:1 or where the depth of the water would reach two feet. Densely planted shrubbery having the same effect as a fence may be substituted for the fence on the approval of the City Engineer. Each fenced detention pond shall be effectively screened by a solid and continuous line of evergreen trees or shrubbery.
- v) An untouched buffer at least 25 feet in depth must be maintained between the toe of the exterior slope or edge of a detention or retention pond and adjacent off-site land zoned or used residentially. If existing vegetation in the buffer is not sufficient to form a dense screen, additional evergreen shrubbery and/or trees shall be planted as approved by the Planning Director. Piping essential to the functioning of the pond may cross the buffer as close to perpendicular as possible. (Ord. 09132004A)

d) Retention Ponds

- i) Retention ponds shall only be permitted by the City Engineer. A soil percolation test conducted by a certified laboratory shall be required.
- ii) The retention pond shall be enclosed by a six-foot fence where the slope of the side of the pond exceeds 4:1 or where the depth of the water would reach two feet. Densely planted shrubbery having the same effect as a fence may be substituted for the fence on the approval of the City Engineer. Each retention pond shall be effectively screened by evergreen plant material except for those designed for decorative purposes (lakes) which shall be exempted from the requirements of this paragraph.
- iii) An untouched buffer at least 25 feet in depth must be maintained between the toe of the exterior slope or edge of a detention or retention pond and adjacent off-site land zoned or used residentially. If existing vegetation in the buffer is not sufficient to form a dense screen, additional evergreen shrubbery and/or trees shall be planted as approved by the Planning Director. Piping essential to the functioning of the pond may cross the buffer as close to perpendicular as possible. (Ord. 09132004A)

- e) Accommodation of Upstream Drainage Areas
  - i) Drainage facilities must have sufficient capacity to handle runoff from upstream drainage areas outside of the subdivision.
  - ii) The City Engineer shall determine capacity for such facilities based on the maximum potential watershed development permitted by the Zoning Ordinance.
- f) Effect on Downstream Drainage Areas
  - i) Where it is determined that the runoff from a subdivision will overload existing downstream drainage facilities, the developer shall be responsible for the improvement of such facilities to increase their capacity to required levels.
  - ii) The required improvements to downstream facilities shall be made prior to the issuance of a grading permit for the proposed subdivision.
- g) Flood-Prone Areas

Development in the 100-year flood plain must comply with the provisions of the City Flood Ordinance adopted March 26, 1979, as amended.

## 5.6 Roads

### 5.6.1 General Requirements

- a) All roads shall be paved with an all-weather surface.
- b) Roads must be of suitable location, width, and construction to accommodate prospective traffic and allow satisfactory access for emergency, sanitation and road-maintenance vehicles.
- c) In commercial and industrial developments, the roads shall be designed in harmony with buildings, railroad lines, loading areas, parking areas and pedestrian walks so that conflict between various types of traffic will be minimized.
- d) Wherever an existing road is to be used, it shall be improved to the required standards. If access to the proposed subdivision is to be by a road not meeting the required standards, and the subject property is within 500 feet of a road that does meet the standards, the subdivider shall improve the road to the required standards. This provision would not apply to dirt roads that have been individually designated to the Aiken Historic Register. (Ord. 090996B, Sept. 9, 1996.)
- e) All roads shall be integrated with existing and proposed roads and rights-of-way. Existing roads shall be continued at the same or

greater width, but not less than the required width. The developer may be required to dedicate additional right-of-way to allow improvements to existing roads. Rights-of-way conforming to City standards for future extension of roads in a subdivision to adjacent properties shall be required from developers of the subdivision where the Planning Commission deems it necessary to facilitate vehicular traffic flow or provision of emergency and utility services or to provide alternative routes or points of vehicular access into and from the subdivision. (Ord. 102692, October 26, 1992.)

#### 5.6.2 Design Standards

##### a) General

- i) Roads shall be designed and constructed in conformance with the standards and specifications of the City and the South Carolina Department of Highways and Public Transportation.
- ii) The types of roads and their required rights-of-way and pavement widths shall be as depicted in Exhibits V-1 and V-2. The City Engineer shall determine the classification of a road.
- iii) Each new road shall be constructed with concrete curb and gutter meeting City standards unless waived by the Director of Engineering/Public Works. (Ord. 09132004B)
- iv) Roads shall conform as closely as possible to the original topography and be arranged so as to obtain the maximum number of lots at or above street grade.
- v) Curvilinear roads shall be used in residential subdivisions to the maximum extent feasible.
- vi) Local roads shall be designed to discourage through traffic.
- vii) Right-of-way widths in excess of those established by the City shall be required whenever necessitated by topographic conditions.
- viii) All utilities shall be installed prior to paving.

##### b) Intersections

- i) Angles at road intersections shall not be less than 80 degrees or more than 100 degrees.
- ii) No more than two roads shall intersect at one point.

- iii) Jogs of less than 150 feet measured from the centerlines shall not be permitted. Intersections of collector streets or arterials shall be at least 800 feet apart.
- iv) Intersections shall be at flat grade wherever possible.

c) Dead-End Roads

- i) A road to be built that is mandated or proposed for future extension within the subdivision or outside the subdivision shall conform with City standards and, unless otherwise designed by the developer and approved by the Planning Commission, shall end in a temporary, paved cul-de-sac conforming with City standards. A note shall be included in the subdivision plat that any excess right-of-way used for the temporary cul-de-sac shall revert to adjoining property owners within the subdivision when the street is extended beyond the cul-de-sac. (Ord 102692, October 26, 1992.)
- ii) Where a road is not intended to continue onto adjoining property, its terminus shall not be closer than 50 feet to the boundary and shall have a cul-de-sac. Such road shall not be longer than 1000 feet.

d) Landscaped Medians

- i) At each entrance to a subdivision, a landscaped median separating two one-way streets shall be provided for the first 200 feet (Exhibit V-3). The median shall be at least 15 feet wide and, if wooded, shall be left in its natural state. If not wooded, sufficient trees and plant material shall be planted in accordance with 5.10.5 so that the median shall be allowed to develop a natural appearance requiring little maintenance. Such landscaped medians shall be encouraged to the maximum feasible extent throughout the subdivision.
- ii) The applicant shall be responsible for maintenance of the landscaped medians until 75% of the lots in the total subdivision have been developed at which time the City may assume responsibility therefore. Subdivision identification signs shall remain the responsibility of the applicant or a homeowners association created in conformance with South Carolina law and must be kept in good repair.

Exhibit V-1

Roadway Types and Widths of Rights-of-Way and Pavement

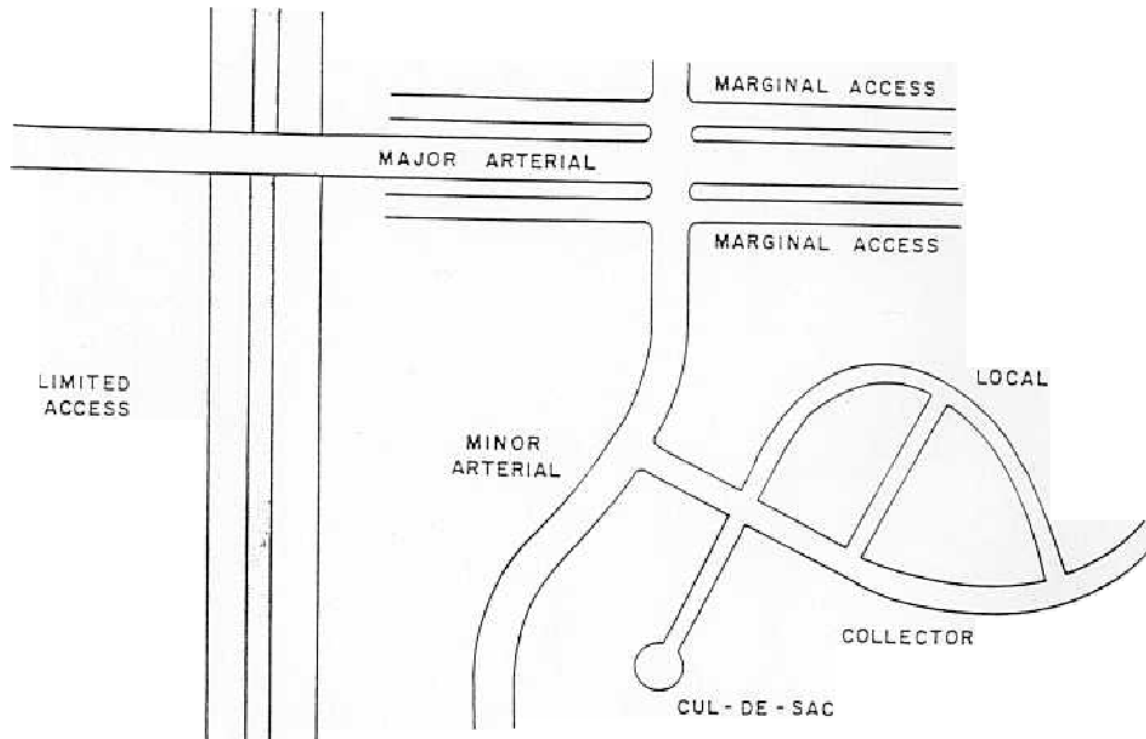
<u>Type</u>	<u>Right-of-Way</u>	<u>Pavement*</u>
Cul-de-Sac	100'	80'
Local	42'**	24'
Collector	80'	36'
Arterial		
Major	150'	48'
Minor	80'	40'
Marginal Access Road (20' median adjacent to arterial)	50'	30'
Limited Access Road (30' median required)	200'	48'

\* Does not include curb and gutter

\*\*This right-of-way may be increased up to 50' if the Director of Engineering and Public Works deems it necessary to allow more attractive development of a particular right-of-way area.

## EXHIBIT V-2

### Roadway Types



5.6.3 Off-Site Road Improvements

- a) The Planning Commission may require the improvement of an off-site road adjacent to the subdivision where the additional traffic to be generated by the development would result in volumes exceeding design capacity.
- b) The City Engineer's approval of the improvements shall be noted on the final plat.
- c) The applicant shall post a cash escrow to pay for such improvements prior to final plat approval; the amount shall be determined by the City Engineer.

5.6.4 Lighting

The City will pay the cost of installing street lights at intersections, mid-block in blocks over 600 feet long or other locations as recommended by the City Engineer.

5.6.5 Naming

Road names shall be approved by the Planning Commission. No road name shall duplicate or closely approximate phonetically the name of any other road in Aiken County. The City shall be responsible for obtaining written approval of proposed road names from Aiken County prior to any action on a subdivision plat. A road planned as a continuation of or that is obviously in alignment with an existing road shall be given the same name as the existing road.

5.6.6 Signs

Road name and traffic control signs shall be of a type and at locations specified by the City Engineer. The Department of Public Safety shall install such signs when a certificate of occupancy has been issued for a structure in the subdivision. The developer shall pay only for the cost of the road name signs.

5.6.7 Addressing

Addresses shall be assigned by the Department of Public Works/Engineering.

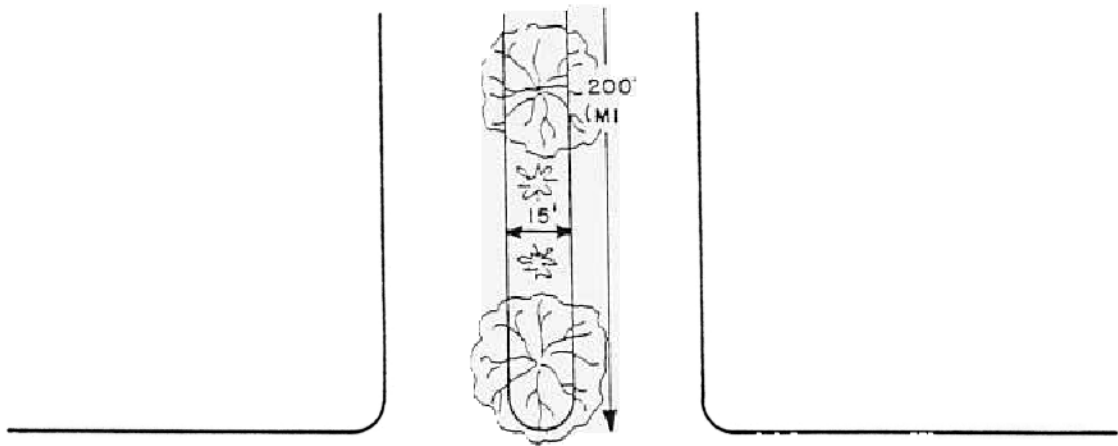
5.6.8 Private Roads

a) Purpose

A private road may be permitted to control through traffic, establish a private security system, or establish a neighborhood identification or design concept.

EXHIBIT V-3

Median At Entrance To Subdivision





b) Zoning

A private road will only be permitted in the RS-15, RS-10, RS-8, RS-6, RSS, RSH or PUD zones. Required off-street parking must be accommodated on-site.

c) Design Standards

- i) A private road shall be built in conformance with the construction standards and specifications of the City.
- ii) A private road shall be subject to the jurisdiction of the Department of Public Safety.
- iii) Design speeds for vehicular traffic shall not exceed 30 miles per hour; speed bumps and other similar impediments designed to decrease vehicle speed shall not be permitted.
- iv) Signs indicating a private road shall be provided at each point of access from a public road.
- v) A private road shall be named in accordance with the provisions of 5.6.5. A road name sign shall be placed at each intersection at the applicant's expense when the first certificate of occupancy is issued.

d) Public Access

- i) An easement shall be granted to the City to allow access for emergency and maintenance vehicles.
- ii) Access to a private road may be controlled by a security system including guards or entrance gates.
- iii) A private road shall not link two or more public rights-of-way unless an approved security or traffic control system is provided.

e) Road Maintenance

i) Homeowners Association

If the applicant does not maintain ownership of the roads, a homeowners association or other legal entity shall be created under the Laws of South Carolina to be responsible for the maintenance as determined by the Planning Commission. The entity shall be created by covenants running with the land, and the deed for each parcel shall reference the covenants.

- ii) Covenants and Restrictions  
The covenants shall include descriptions of the easements for utilities and access. The covenants shall also include provisions for a reserve fund to finance maintenance work which shall be held in escrow separate from all other funds. In addition, the covenants shall provide for the City to use the reserve fund or assess affected property owners to finance maintenance work should the homeowners association fail to do the work itself.
- iii) Maintenance by the City  
If the applicant or association fails to carry out its maintenance responsibilities, the Director of Public Works/Engineering may authorize the City to do the required work to be financed as set forth in ii) above. The City may assume such authority until the Director determines that the association is willing and able to assume its responsibilities.
- f) Civil Liability for Private Roads  
In addition to the limitations set forth in 1.13, the City, its officers and employees shall not be liable for any injury, damage, loss or death occurring on private roads. Prior to final plat approval, the applicant must submit an affidavit affirming his understanding of this limitation, and this limitation shall also be stated in the covenants of the homeowners association or other entity responsible for maintaining the private roads.
- g) Taxation  
Private streets shall be considered private real property and taxed as assessed by the Aiken County Tax Assessor.

## 5.7 Sidewalks

### 5.7.1 General Requirements

- a) Sidewalks shall only be required in conjunction with new streets, not existing ones. (Ord. 03272000C)
- b) Sidewalks shall be required on both sides of all arterial and collector streets.
- c) Sidewalks shall be required on both sides of streets within one-half mile of an existing or proposed public school or park of over one acre including one outside of the City. The location of a proposed school or park is one identified in a plan, plat or other document approved by the appropriate governing body.

5.7.2 Design Standards

- a) Sidewalks shall be located in the dedicated right-of-way adjacent to the property line.
- b) There shall be a grassed strip at least five feet wide between the sidewalk and the street pavement.
- c) Sidewalks shall be four feet wide. They shall be four inches thick except at driveways where they shall be six inches thick.
- d) Sidewalks shall drain toward the curb and have a grade approximately parallel to the street.
- e) Each sidewalk shall have a ramp for handicapped access designed in conformance with State law at its intersection with the street.
- f) Bikeways shall be six feet wide.

5.7.3 Public Access

Additional public access may be required in conformance with 5.2.1(f).

5.8 Utilities

5.8.1 General Requirements

- a) All utilities including but not limited to natural gas, electrical, telephone and television cables shall be buried. However, such utilities in the right-of-way may not be buried without approval of the City Engineer. Utilities buried in the right-of-way shall be located toward the lot line so as not to interfere with the construction of curbing.
- b) All utilities or a conduit designed to accommodate them approved by the City Engineer shall be installed prior to final paving. If existing pavement is cut, the pavement shall be restored to a condition acceptable to the City Engineer.
- c) The location of such utilities shall be shown on the final plat.
- d) Underground service connections shall be provided to each lot by the developer unless waived by the Planning Commission.
- e) Utility boxes, transformers and similar devices at ground level shall be screened by evergreen shrubbery except for those at the rear of lots.

5.8.2 Easements

Easements for utilities shall be provided in conformance with 5.1.8.

## 5.9 Public Facilities

### 5.9.1 Reservations

- a) The Planning Commission may require the reservation of sites for public facilities in major subdivisions including but not limited to parks/recreation areas, schools and public safety buildings.
- b) The Secretary shall forward a copy of the plat depicting the area proposed for reservation to the department or agency concerned with acquisition of the property prior to signing of the preliminary plat. Such agency or department shall have thirty (30) days to provide a written response as to the appropriateness of the proposed site and a statement of intent indicating the approximate proposed date of purchase.
- c) A site designated for reservation must be so indicated on the preliminary and final plats.
- d) No building shall be permitted on a site reserved for public acquisition for two years from the date of issuance of the first building permit for the subdivision. If the acquisition is not initiated within this period by the City, the site shall no longer be considered reserved and shall be available for development.
- e) This paragraph may apply to a minor subdivision which is one of a series of minor subdivisions the cumulative effect of which is to create a major subdivision.

### 5.9.2 Parks and Recreation Areas

- a) Any reservation for a park/recreation site required by the Commission pursuant to 5.9.1 shall comply with the following standards:
  - i) provide .025 acre per dwelling unit in the subdivision;
  - ii) be of suitable shape and topography;
  - iii) have at least 100' of frontage on a public road;
  - iv) take advantage of natural features such as trees, watercourses and scenic views as well as such assets as historic sites; and
  - v) where appropriate, be located at the boundary of the subdivision so that it may be combined with another such site in an adjacent subdivision.

- b) A subdivision in providing a private park/recreation area complying with the standards set forth in 5.9.2(a) shall be exempt from any such park/recreation reservation.

## 5.10 Natural Features

### 5.10.1 Preservation

Natural features including but not limited to trees, lakes and streams shall be considered as irreplaceable assets and incorporated into the design of the subdivision to the maximum feasible extent.

### 5.10.2 Topsoil

No topsoil may be disturbed until the preliminary plat has been approved. No certificate of occupancy shall be issued for a structure in an approved subdivision until all grading has been completed in conformance with the City's Sediment Control Ordinance. No topsoil shall be removed from the site or used as spoil. Topsoil disturbed during construction shall be redistributed to a depth of at least six inches and stabilized by seeding or sodding.

### 5.10.3 Lakes and Streams

The boundaries or alignment of a lake, pond, or stream shall not be changed and no grading or clearing shall be permitted within 20 feet of such a waterbody except in accordance with an approved plat.

### 5.10.4 Trees

#### a) Policy

In reviewing a proposed subdivision, the Planning Commission shall strictly adhere to a policy of requiring the preservation of the maximum number of trees and the planting of new ones.

#### b) Indication of Trees to be Removed

As part of preliminary plat approval, the applicant shall submit a plan depicting the limit of grading or clearance and including a notation that all trees beyond the limit of grading shall remain.

#### c) Preliminary Plat Approval

No trees shall be removed or grading begun until the preliminary plat has been approved.

#### d) Tree Protection

The grade of land within six feet of a tree designated to remain shall not be raised or lowered more than six inches unless a well or retaining wall is used. No equipment shall be driven over the area within six feet of a tree which is to remain. No such tree shall be used to support building materials, scaffolding or equipment nor shall such equipment or topsoil be stockpiled within eight feet thereof.

5.10.5 Landscaping in Medians

- a) Landscaping in medians required in accordance with 5.6.2(d) shall be left in a natural wooded state if possible.
- b) There shall be at least one tree every 20 feet on each side of the median at least three inches in diameter one foot above grade. There shall be shrubbery or comparable plantings covering at least twenty percent (20%) of the area of a median. All other areas shall be seeded, sodded or occupied by ground cover.
- c) The type of trees and other vegetation as well as the planting methods shall be depicted on a plan approved by the Horticulturist prior to final plat approval.

## ARTICLE VI

### ASSURANCE OF COMPLETION AND MAINTENANCE OF IMPROVEMENTS

#### 6.1 Conditions of Final Plat Approval

Final plat approval shall not be granted until

- a) the Engineer of Record has certified to the City Engineer that all improvements required by preliminary plat approval including streets and utilities have been completed as per City specifications; or
- b) a performance/maintenance guarantee conforming to the requirements set forth below guaranteeing the completion of required improvements and their maintenance is accepted by the City Engineer; or, if all improvements have been completed, that an adequate maintenance guarantee has been posted in conformance with this Article; and
- c) the required landscaping has been installed or a performance guarantee for the uncompleted landscaping has been submitted to the Planning Department; and
- d) an offer of dedication of the improvements complying with 6.5 has been submitted in a form acceptable to the City Engineer.

#### 6.2 Performance/Maintenance Guarantees

##### 6.2.1 Acceptable Guarantees

- a) Cash  
Only cash and checks shall be accepted.
- b) Irrevocable Letter of Credit  
Any letter of credit must be irrevocable and only from an approved financial institution.
- c) Proof of Insurance  
In addition to providing one of these forms of acceptable guarantees, the Engineer of Record must provide proof of professional liability or errors and omissions insurance coverage via a Certificate of Insurance or other documentation deemed acceptable by the City Engineer.

##### 6.2.2 Form

The City Engineer and the Planning Department shall keep on file approved model forms. If the guarantee submitted by the applicant is on an approved form properly completed, the guarantee shall be accepted immediately. Otherwise, the guarantee shall be approved by the City Attorney. An acceptable guarantee for any improvements other

than landscaping shall be signed by the City Engineer and forwarded to the City Clerk for filing. A guarantee for landscaping shall be signed by the Planning Director and forwarded to the City Clerk for filing. An unacceptable guarantee shall be returned to the applicant with a written explanation of its deficiencies.

6.2.3 Term

If the improvements are not completed within two years of the acceptance of the guarantee, the applicant will be considered in default with the funds assured through the performance/maintenance guarantee as described in 6.2.1 above made available to the City for completion of the improvements. Upon submission of proof of extenuating circumstances to the City Engineer for infrastructure and the Planning Director for landscaping, City Council may grant an extension of up to one additional year to allow the applicant to complete the improvements.

6.2.4 Determination of the Amount

The applicant's engineer shall submit to the City Engineer a list of uncompleted improvements including a detailed listing of the remaining work to be done. The City Engineer shall verify and determine the estimated cost of the improvements. The amount of the performance/maintenance guarantee shall be 120% of the estimated cost to assure the satisfactory completion of all remaining improvements. The City Engineer shall forward a copy of the cost estimate to the applicant. Improvements to be tabulated for include but are not limited to the following:

- |                       |                            |
|-----------------------|----------------------------|
| -streets              | -street name signs         |
| -curb and gutter      | -park and open space areas |
| -sidewalks            | -storm drainage system     |
| -driveway aprons      | -sanitary sewer system     |
| -grading              | -water lines               |
| -surveyor's monuments |                            |

6.2.6 Reduction and Release of Guarantees

a) Reduction

When twenty-five (25%) percent of the estimated cost of the required improvements has been expended, the applicant may request reduction in the amount of the performance/maintenance guarantee by submitting a letter to the City Engineer. No request for a reduction shall be less than ten (10%) percent of the cost of the required improvements. The City Engineer shall calculate a revised cost estimate based on current prices, may approve the request and shall notify by mail the applicant, financial institution, and other interested parties of the reduction. If the request for reduction is denied in whole or in part, the City Engineer shall inform the applicant by mail including an explanation of the



reasons for the denial. The response must be sent within thirty (30) days of receipt of the request. No performance/maintenance guarantee shall be reduced below 20% of the original amount with the remaining 20% held for two years from the approval of the improvements by the City Engineer to serve as a maintenance guarantee.

b) Release

Upon completion and certification by the Engineer of Record to the City Engineer of all required improvements and their connection to public systems, the applicant may request release of a maximum of 80% of the performance/maintenance guarantee by sending a letter to the City Engineer. The City Engineer shall inspect the improvements and may approve the request and, if so, shall notify the applicant and all interested parties by mail. If the release is granted the City Clerk shall return the performance guarantee to the applicant within ten (10) days. If the request is denied, the City Engineer shall inform the applicant by mail including an explanation of the reasons for denial. The response must be sent within thirty (30) days of the receipt of the request. A minimum of 20% of the guarantee shall be kept by the City to serve as a maintenance guarantee.

6.3 Maintenance Guarantees

6.3.1 Purpose

In order to assure the satisfactory condition of completed improvements if improvements are completed prior to final plat approval, the applicant shall post a maintenance guarantee prior to final plat approval.

6.3.2 Amount

The guarantee shall be equal to 20% of the estimated cost of the improvements as determined by the City Engineer. Improvements to be tabulated for include but are not limited to the following:

- |                       |                                      |
|-----------------------|--------------------------------------|
| -asphalt pavement     | -detention pond fence and structures |
| -pavement base        | -street signs                        |
| -curb and gutter      | -sidewalks                           |
| -storm sewers         | -water lines                         |
| -sanitary sewer       | -water service                       |
| -surveyor's monuments | -sewer services                      |
| -pump stations        |                                      |

6.3.3 Form

The maintenance guarantee may be in one of the forms set forth in 6.2.1 and accepted according to the provisions of 6.2.2 and 6.2.4.

6.3.4 Term

The maintenance guarantee shall be released two years after posting unless the City Engineer determines **after 21 months** that there is work to be corrected in which case the applicant shall be given 90 days to complete the work. If the work is not completed, the proceeds from the guarantee shall be used by the City for such work. The guarantee shall be released when the City Engineer deems the work complete. (Ord. 11262007A)

6.4 Inspection of Improvements

Within 14 days of notification by the named project Engineer of Record that the project design and construction meet City of Aiken standards, the City Engineer will inspect improvements and, if acceptable, recommend accepting them at a proposed date. (Ord. 11262007A)

6.4.1 Waiver of Liens

Prior to issuance of any certification, the applicant shall submit valid lien waivers from all persons providing materials or performing work on the improvements for which certification is sought.

6.4.2 Notification of Findings

The City Engineer shall immediately notify the applicant in writing if any of the certified improvements have not been constructed in accordance with City standards and specifications. If the applicant has not completed the improvements within 45 days of notification, additional City services will be withheld pending completion. (Ord. 11262007A)

6.5 Dedication of Improvements

Dedication of an improvement will be considered by the City after completion and certification by the project Engineer of Record as reviewed by the City Engineer or after certification of the City Engineer. Upon receipt of an operating permit for the water and sanitary sewer systems from the South Carolina Department of Health and Environmental Control (DHEC), an offer of dedication shall be considered for those systems by City Council. Prior to final plat approval, an offer of dedication of improvements must be submitted in a form approved by the City Engineer and may only be accepted by the City through enactment of a resolution; the City shall record this dedication agreement at the Aiken County RMC Office to provide all interested parties with notice of this agreement. Prior to consideration of the dedication by City Council, as-builts of all improvements in a digital form acceptable to the City Engineer shall be submitted. The improvements set forth in the dedication agreement are not accepted until Council accepts them by majority vote in a public meeting. Acceptance of improvements does not constitute a waiver of the City's rights to use the maintenance guarantee to correct defects as set forth in 6.2 and 6.3.

Approval of plats by the Commission, Director or City Council or any other action taken under the requirements of these Regulations shall not constitute acceptance by the City of an offer of dedication. (Ord. 11262007A)

## ARTICLE VII

### INTERPRETATIONS AND DEFINITIONS

#### 7.1 Interpretations

For the purposes of these Regulations, the following apply:

- a) all words used in the present tense include the future tense;
- b) all words in the singular include the plural and all words in the plural include the singular; and
- c) the words "shall" and "must" are mandatory while "should" and "may" are permissive.

#### 7.2 Definitions

##### 7.2.1 Applicant

The owner of land proposed to be subdivided or his representative, or any person, corporation or other legal entity with the written consent of the owner seeking subdivision approval under these Regulations.

##### 7.2.2 Block

A tract of land bounded by streets or a combination of streets, railroad or other rights-of-way, parks or other similar uses.

##### 7.2.3 Building Permit

A permit issued by the City of Aiken Building Inspector allowing building construction.

##### 7.2.4 Central Sewerage System

A private system for the collection and treatment of sewage serving one or more subdivisions.

##### 7.2.5 Certificate of Occupancy

A certificate issued by the Building Inspector permitting occupancy of a building.

##### 7.2.6 City

The City of Aiken.

##### 7.2.7 City Attorney

The Attorney representing the City of Aiken.

##### 7.2.8 City Clerk

The Clerk of the City of Aiken appointed by the City Manager.

- 7.2.9     City Engineer  
The Engineer for the City of Aiken located in the Department of Public Works/Engineering.
- 7.2.10    City Manager  
The chief administrative officer and head of the administrative branch of City government appointed by City Council.
- 7.2.11    Completed Application  
A completed application form and all supporting information as required by the Secretary.
- 7.2.12    Detention Pond  
A drainage facility designed to hold storm water temporarily and release it gradually to prevent the flooding of adjacent land.
- 7.2.13    Director  
The Director of the City Planning Department.
- 7.2.14    Easement  
Authorization by a property owner for the specified use of a designated portion of his property by another person.
- 7.2.15    Final Plat  
A complete and exact plan of a subdivision prepared for official recording as required by law.
- 7.2.16    Hardship  
A condition caused by peculiar characteristics of a tract of land which prevents strict compliance with these Regulations; does not include personal or economic disadvantages or self-created conditions.
- 7.2.17    Homeowners Association  
A corporation created under the laws of South Carolina composed of the owners of property within a subdivision for the purpose of maintaining commonly owned property and/or facilities.
- 7.2.18    Improvements  
Street construction and paving, curbing, gutters, sidewalks, water lines, sanitary sewer systems, storm sewer systems, other utility lines, landscaping and other related facilities or items normally associated with the development of raw land into building sites.

- 7.2.19 Land Development  
The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.
- 7.2.20 Major Subdivision  
Any subdivision not classified as a Minor Subdivision and meeting any one of the following criteria:  
-having more than four lots  
-involving the creation of a new street or road  
-involving the extension of municipal facilities  
-involving the creation of any public improvements  
-adversely affecting the remainder of the parcel or adjoining property  
-conflicting with the Comprehensive Plan, Official Map, Zoning Ordinance or these Regulations.
- 7.2.21 Minor Subdivision  
Any subdivision containing not more than four lots fronting on an existing road and not  
-involving the creation of a new street or road  
-the extension of municipal facilities  
-the creation of any public improvements  
-adversely affecting the remainder of the parcel or adjoining property  
-in conflict with the Comprehensive Plan, Official Map, Zoning Ordinance or these Regulations.
- 7.2.22 Monuments  
Permanent concrete, iron or steel markers used to establish definite property lines depicted on a subdivision plat including lot corners and points of change in street alignment.
- 7.2.23 Phased Development Plan  
A development plan submitted to the City by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific development plan.
- 7.2.24 Planning Commission; Commission  
The City Planning Commission appointed by City Council.
- 7.2.25 Planning Department  
One of the Departments of the City of Aiken.

- 7.2.26 Preliminary Plat  
The drawings conforming to these Regulations depicting the proposed layout of the subdivision and submitted to the Planning Commission for approval; a preliminary plat is not to be recorded.
- 7.2.27 Private Road  
A road not to be dedicated to the City and to be maintained by private interests, usually a homeowners association.
- 7.2.28 Registrar of Mesne Conveyance  
The Aiken County official with whom approved subdivision plats are to be recorded.
- 7.2.29 Resubdivision  
Any change in the plat or description of an approved or recorded subdivision, including a subdivision predating the adoption of regulations controlling the division of land, if such change affects any lot line, road layout or area reserved for public use.
- 7.2.30 Retention Pond  
A drainage facility designed to retain storm water on-site until it percolates into the soil.
- 7.2.31 Right-of-Way  
Land occupied or intended to be occupied by a road, water main, sewer main, railroad, electric transmission line, oil or gas pipeline or other special use. Any such right-of-way is to be separate and distinct from adjoining lots or parcels.
- 7.2.32 Road, Street or Thoroughfare  
A public or private right-of-way located on an approved plat used primarily for vehicular traffic and having the following designations:
- Alley: A minor road used to serve as secondary access to the side or rear of those properties whose principal frontage is on another street.
- Arterial, Major: A road with access control, channelized intersections and restricted parking and which collects and distributes traffic to and from minor arterials.
- Arterial, Minor: A road with signals at important intersections and stop signs on side streets which collects and distributes traffic to and from collector roads.
- Collector: A road which carries traffic from local roads to arterials.

Cul-de-Sac: A local road of relatively short length with one end open to traffic and the other terminating in a vehicular turnaround.

Limited Access Highway: An expressway, parkway or other major highway carrying large volumes of traffic onto which abutting property owners have no right of access except at points designated by public authorities having jurisdiction over the highway.

Local: A road intended to provide access from individual properties to other roads.

Marginal Access Road; Frontage Road: A local or collector road parallel and adjacent to an arterial or collector road providing access to abutting properties and protection from the arterial or collector road.

7.2.33 Secretary  
The Secretary of the Planning Commission.

7.2.34 Site Specific Development Plan  
A development plan submitted to the City by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional use or special use permit plan; conditional or special use district zoning plan; or other land-use approval designations as are used by a county or municipality.

7.2.35 Subdivision  
All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions. The land is divided for sale, lease or building development, whether immediately or in the future. The definition includes all land divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. The definition covers the alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision as well as combinations of lots of record. The following exceptions are included within this definition for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions.

- a) Combining or recombining portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the Ordinance standards.
- b) Dividing land into parcels of five acres or more where no new street is involved. The Planning Commission must



receive plats of these exceptions as information and indicate that fact on the plats.

- c) Combining or recombining entire lots of record where no new street or change in existing streets is involved.

7.2.36 Surveyor

Anyone registered to practice professional land surveying by the South Carolina Board of Engineering Examiners.

7.2.37 Swale

A grassy depression used to channel storm drainage with sides having a slope gradual enough to be safely mowed.

7.2.38 Variance

A modification of the provisions of these Regulations not contrary to the public interest where strict adherence would result in unnecessary and undue hardship because of conditions peculiar to the property and not from any action of the applicant.

7.2.39 Vested Right

The right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in this article and in the local land development ordinances or regulations adopted pursuant to this chapter. (Ord. 06132005H)